

**HOUSE BILL NO. 228**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MCKAY, Carpenter, Vance

Introduced: 1/18/22

Referred: Education, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to nondiscrimination in public education."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 14.18.070 is amended to read:

4           **Sec. 14.18.070. Affirmative action.** The board shall establish procedures for  
5 affirmative action programs covering both equal employment and equal educational  
6 opportunity to be implemented by all school districts and regional educational  
7 attendance areas determined by the board not to be in compliance with **AS 14.18.010 -**  
8 **14.18.110** [THIS CHAPTER].

9 \* **Sec. 2.** AS 14.18.080 is amended to read:

10           **Sec. 14.18.080. Implementation.** (a) The board shall adopt regulations under  
11 AS 44.62 (Administrative Procedure Act) to implement **AS 14.18.010 - 14.18.110**  
12 [THIS CHAPTER].

13           (b) The Board of Regents shall adopt rules under AS 14.40.170(b)(1) to  
14 implement **AS 14.18.010 - 14.18.110** [THIS CHAPTER].

15 \* **Sec. 3.** AS 14.18.090(a) is amended to read:

(a) The board shall enforce compliance by school districts and regional educational attendance areas with the provisions of AS 14.18.010 - 14.18.110 [THIS CHAPTER] and the regulations and procedures adopted under it by appropriate order made in accordance with AS 44.62. After a hearing conducted by the office of administrative hearings (AS 44.64.010) and a finding by the board that a district or a regional educational attendance area is not in compliance with AS 14.18.010 - 14.18.110 [THIS CHAPTER] and is not actively working to come into compliance, the board shall institute appropriate proceedings to abate the practices found by the board to be a violation of AS 14.18.010 - 14.18.110 [THIS CHAPTER].

\* **Sec. 4.** AS 14.18.100 is amended to read:

**Sec. 14.18.100. Remedies.** (a) A person aggrieved by a violation of AS 14.18.010 - 14.18.110 [THIS CHAPTER] or of a regulation or procedure adopted under AS 14.18.010 - 14.18.110 [THIS CHAPTER] as to primary or secondary education may file a complaint with the board and has an independent right of action in superior court for civil damages and for such equitable relief as the court may determine.

(b) A person aggrieved by a violation of AS 14.18.010 - 14.18.110 [THIS CHAPTER] or of a regulation or procedure adopted under AS 14.18.010 - 14.18.110 [THIS CHAPTER] as to postsecondary education has an independent right of action in superior court for civil damages and for such equitable relief as the court may determine.

\* **Sec. 5.** AS 14.18.110 is amended to read:

**Sec. 14.18.110. Effect [OF CHAPTER].** AS 14.18.010 - 14.18.110 [THIS CHAPTER] is supplementary to and does not supersede existing laws relating to unlawful discrimination based on sex or race.

\* **Sec. 6.** AS 14.18 is amended by adding a new section to read:

**Article 2. Nondiscrimination; Tenets in Public Education.**

**Sec. 14.18.150. Nondiscrimination; tenets.** (a) A public school may not direct or otherwise compel a student to personally affirm, adopt, or adhere to, or provide a course of instruction or unit of study that directs or otherwise compels a student to affirm, adopt, or adhere to, the following tenets:

1                   (1) a given sex, race, ethnicity, religion, color, or national origin is  
2 inherently superior or inferior;

3                   (2) an individual should be treated adversely based on the individual's  
4 sex, race, ethnicity, religion, color, or national origin;

5                   (3) an individual, by virtue of the individual's sex, race, ethnicity,  
6 religion, color, or national origin, is inherently responsible for actions committed in  
7 the past by other members of the same sex, race, ethnicity, religion, color, or national  
8 origin.

9                   (b) A public school may not provide a course of instruction or unit of study  
10 that teaches, the curriculum described by the New York Times' 1619 Project.

11                   (c) This section does not prohibit a public school from collecting or reporting  
12 demographic data.

13                   (d) The department, board, and public schools may not expend public funds  
14 for a purpose prohibited by (a) or (b) of this section.

15                   (e) In this section, "public school" includes a public postsecondary institution.